GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – IPS – Sri S.R. Tewari, IPS (AP:1982) – Retired from service on 31.12.2013 A.N. on attaining the age of superannuation – Release of pensionary benefits in compliance with the orders of the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in OA/2986/2019, dated 29.12.2022 – Orders – Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.Rt.No.461. Dated: 07-03-2023
Read the following:-

1) Govt. Memo. No. 58/SC.C/A2/2014, General Administration (SC.C) Department, dated 29.05.2014.
2) Govt. Letter No. 58/SC.C/A2/2014, General Administration (SC.C) Department, dated 29.05.2014.
3) From the Pay & Accounts Officer, A.P. Letter No. PAO/PAG.II/U.A/2014-15/1694, dated 24.07.2014.
4) G.O. Rt. No. 2757, General Administration (SC.C) Department, dated 01.08.2014.
5) Govt. Memo. No. 275/SC.D/A1/2005-12, General Administration (SC.D) Department, dated 22.07.2015.
6) Orders of the Hon'ble High Court of Andhra Pradesh in Crl.P NO. 2177 of 2016, dated 21.11.2016.
7) From the Director General of Police, A.P., Letter Rc. No. 20/G1/2018, dated 01.12.2018.
8) From the Under Secretary to Government of India, Ministry of Home Affairs, Letter No. 25011/12/2006-IPS.II, dated 18.02.2019.
9) Govt. Letter No. 195/SC.D/A1/2008-5, General Administration (SC.D) Department, dated 26.07.2019.
10) From the Under Secretary to Government of India, Ministry of Home Affairs, Letter No. 25011/12/2006-IPS.II (Part), dated 27.01.2020.
11) Orders of the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in OA/2986/2019, dated 29.12.2022.

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ORDER:

Sri Shree Ram Tewari, IPS (AP:1982) was retired from service on 31.12.2013 A.N. on attaining the age of superannuation. As on the date of retirement, in a civil dispute pertaining to A.P. Policemen Housing Society, for which the Member of Service acted as Chief Promoter, the Special Court under A.P. Land Grabbing (Prohibition) Act, declared him as land grabber. The Hon'ble HIgh Court of Andhra Pradesh confirmed the orders of the Special Court. Aggrieved by the said orders, the Member of Service filed SLP No. 17463 of 2003 before the Hon'ble Supreme Court of India and the case is still pending for adjudication. In another case, in G.O. Ms.No.275, General Administration (SC.D) Department, dated 24.07.2007, Government accorded prosecution of the Member of Service for the alleged irregularities in appointment of Class.IV employees, while he was working as Commandant, SAR, CPL Amberpet. Accordingly, the CID filed Charge Sheet in the Hon'ble Court of VI Additional Chief Metropolitan Magistrate Court, Hyderabad in C.C.No. 664/2007.

Sri S.R. Tewari, IAS (AP:1982) has retired from service on 31.12.2013 A.N. on attaining the age of superannuation. In view of the pendency of the above said two cases, in the reference fourth read above, under Rule 6 (2) of All India Services (DCRB) Rules, 1958, Government accorded sanction for payment of 95% of service pension as provisional pension amounting to 35,435/- per month to Sri S.R. Tewari, IPS (Retired) with effect from 01.01.2014.

In his representation, dated 25.11.2014, Sri S.R. Tewari, IPS (Retd.) has stated that entire allegations made in the charge sheet are in respect of the violations of the provisions of Act 2 of 1994, but section 120 (B) and section 420 of IPC have been added to get rid of period of limitation provided under Act 2/1994. The provisions under Act 2 of 1994 is a self-contained and any violation of provisions, punishment is provided in the said Act itself; that the Trial Court has taken cognizance under section 420 of IPC and not under Act 2 of 1994 and there is hardly any evidence to support any case under section 420 IPC. He has, therefore, requested to withdraw prosecution against him. The DGP (HoPF) offered his remarks to the effect that it is a fit case to recommend for withdrawal of prosecution in public interest against Sri S.R. Tewari, IPS (Retired) considering the fact that there is hardly any evidence in support of charge and

consideration of the services he rendered during his service. Further, no useful purpose will be served in pursuing prosecution in this long pending case and in view of the judgment of Division Bench of Hon'ble HIgh Court and requested to consider the request of Sri S.R. Tewari, IPS (Retd.) for withdrawal of prosecution.

Government, by taking into consideration the representation of Sri S.R. Tewari, IPS (Retired) and the remarks of the Director General of Police, A.P. thereon, have decided to withdraw the prosecution against him and accordingly, in Memo. fifth read above, issued orders for withdrawal of the prosecution pending against Sri S.R. Tewari, IPS (Retd.), formerly Commandant of Special Armed Reserve/Central Police Lines, Hyderabad. The Government of Telangana also issued orders vide G.O. Ms. No. 398, General Administration (Spl.C) Department, dated 11.11.2016, for withdrawal of prosecution against him which is pending trial before the Hon'ble VI Additional Chief Metropolitan Magistrate, Nampally, Hyderabad in C.C. No. 664/2007. Sri S.R. Tewari, IPS (Retired) has filed CRL.P No. 2177 of 2016 in the High Court of Andhra Pradesh against C.C. No. 664/2007. In the order, dated 21.11.2016 in Crl. P No. 2177 of 2016, the Hon'ble High Court of Andhra Pradesh allowed the Criminal Petition filed by Sri S.R. Tewari, IPS (Retired) and in exercise of the jurisdiction under Section 482 Cr.P.C., quashed the proceeding pending against the petitioner in C.C. No. 664/2007 on the file of VI Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad.

In view of the pendency of SLP No. 17463 of 2003 before the Hon'ble Supreme Court of India the retirement benefits are not released to Sri S.R. Tewari, IPS (Retd.).

In the order, dated 29.12.2022 in OA/2986/2019 filed by Sri S.R. Tewari, IPS (Retd.), the Central Administrative Tribunal Principal Bench at New Delhi allowed the O.A. and directed to release balance of 5% of pension and gratuity and such other superannuation benefits as entitled to in accordance with law.

After careful consideration, Government have decided to implement the orders of the Hon'ble Central Administrative Tribunal Principal Bench at New Delhi in OA/2986/2019, dated 29.12.2022 and to release all the pensionary benefits to Sri S.R. Tewari, IPS (Retired). Accordingly, Government hereby order that all pensionary benefits be released to Sri S.R. Tewari, IPS (Retired) forthwith.

The General Administration (SC.C) Department and the Pay & Accounts Officer, A.P. shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
Sri S.R. Tewari, IPS (Retd.)
Plot No. 61, Prashasan Nagar,
Jubilee Hills,
HYDERABAD-500 033.
The General Administration (SC.C) Department.
The Pay & Accounts Officer, A.P., Mangalagiri.
Copy to
The Accountant General, A.P., Vijayawada.
The Under Secretary to Government of India,
Ministry of Home Affairs, North Block, New Delhi.
SF.

//FORWARDED BY ORDER//

SECTION OFFICER(SC)